



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

GERALD C. MANN
~~INTERCOMMISSION~~
ATTORNEY GENERAL

Honorable George H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Sir:

Opinion No. 0-4132

Re: Appropriation to Livestock Sanitary Commission for "investigation contagious diseases, including supplies" as available for payment of traveling expenses.

Your letter of October 16th advises that the departmental appropriation bill for the current biennium carries the following two items for each of the years of the biennium in the appropriation made for the Livestock Sanitary Commission:

"Traveling expenses	\$51,000.00
"Investigation contagious diseases, including supplies	3,000.00"

"The general rider to this appropriation bill provides:

"The appropriations herein made are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and the amounts are intended to cover and shall cover the entire costs of the respective items, and the same shall not be supplemented from any other sources; and except as otherwise provided no other expenditures shall be made nor shall any other obligations be incurred by any department of this State, provided, however, that nothing herein shall prevent any department head from paying less than the maximum amount set forth herein for any salaried position."

You advise that the Livestock Sanitary Commission presents to you claims for traveling expenses against the item of appropriation for investigation of contagious diseases, and you ask the opinion of this department upon the question whether you are authorized to issue warrant in payment of traveling expense accounts as presented.

Your question is answered in the affirmative. The item of \$3,000.00 for "investigation contagious diseases, including supplies" is available to defray all expenses incurred, necessary in the investigation of contagious diseases. See our opinion No. 0-1532, copy of which is enclosed. Your attention is directed to the fact, however, as pointed out in opinion No. 0-1532, that the general traveling expense item of appropriation of \$51,000.00, is not available to defray traveling expenses incurred in connection with the investigation of contagious diseases.

It should be noted that the \$3,000.00 item for "investigation contagious diseases, including supplies" does not provide funds for the conduct of the ordinary, routine activities of the Livestock Sanitary Commission in determining the existence of diseases among livestock and domestic fowls and taking the steps provided by law for suppressing the same.

By Webster, the word "investigate" is defined: "To follow up by patient inquiry or observation; to inquire and examine into with systematic attention to detail and relationship." And the same authority defines "investigation" as "Act of investigating; process of inquiring into or tracking down; thorough inquiry; research."

In our opinion, the Legislature has provided this \$3,000.00 item to enable the Commission to investigate contagious diseases themselves, as such, rather than to provide an additional fund for the inspection of animals and domestic fowls to determine whether they are suffering with contagious diseases. It is, in our opinion, an item provided for research into the contagious diseases of livestock and domestic fowls, their causes, characteristics, and cure. To hold otherwise would be to say that the Legislature provided two items of appropriation for the same purpose, and such a construction is not to be adopted where the item is susceptible of a construction which will not render it merely a duplication of an item or items already provided.

It would seem clear that research into contagious diseases of livestock and domestic fowls may require traveling. The expenses of travel done for this purpose may be paid from the \$3,000.00 item, and from it alone. Traveling expenses incurred in connection with activities of the Commission other than research into contagious diseases are to be paid from the \$51,000.00 item only.

Honorable George H. Sheppard, page 3

0-4132

Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/R.W. Fairchild
R.W. Fairchild
Assistant

RWF:AMM:wc

ENCLOSURE

APPROVED NOV 24, 1941
s/Grover Sellers
FIRST ASSISTANT
ATTORNEY GENERAL

Approved Opinion Committee By s/BWB Chairman